

THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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July 10, 2008

**BY HAND**

Honorable Alvin K. Hellerstein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

*to answer  
7.15.08  
Alvin K. Hellerstein*

Re: Donovan, et al. v. City of New York, et al., 08 CV 5664 (AKH)

Dear Judge Hellerstein:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, counsel for defendant City of New York in the above-referenced action alleging violations of plaintiffs' civil rights. Defendant respectfully requests that its time to respond to the complaint be extended by sixty days from the current due date of July 14, 2008, to September 12, 2008. Plaintiffs' counsel has advised me that he consents to this request.

There are several reasons for seeking an enlargement of time. In keeping with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. It is our understanding that the records of the underlying criminal matter, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiffs for execution consents and authorizations for the release of sealed records so that defendant can access the information, properly assess the case, and respond to the complaint.

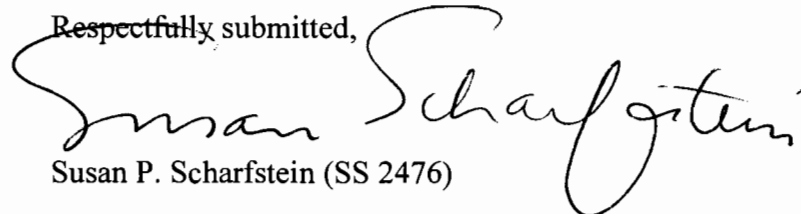
In addition, plaintiffs have named individual defendants in this action. This extension will give plaintiffs time in which to serve these defendants if they have not already done so. Without appearing or making any representations on their behalf, we respectfully request that they be granted the same extension of time in which to respond to the allegations of the complaint if and when they are served, in order to ensure that their defenses are not jeopardized while representation issues are being addressed. Moreover, once the individual

defendants have been served, pursuant to Section 50-k of the New York General Municipal Law, the Corporation Counsel's office must determine, based on a review of the facts of the case, whether we may represent them. See Mercurio v. City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985)) (decision as to whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

No previous request for an extension of time to respond to the complaint has been made by defendant City of New York. Accordingly, we respectfully request that defendants' time to answer or otherwise respond to the complaint be extended to September 12, 2008, and that the initial conference be set for a date thereafter.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in black ink, reading "Susan Scharfstein". The signature is fluid and cursive, with the first name "Susan" and last name "Scharfstein" clearly legible.

Susan P. Scharfstein (SS 2476)

cc: Fred Lichtmacher, Esq.  
Attorney at Law  
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(by hand)